

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

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RENELL MINOR and GAY GARLAND,

Plaintiffs,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, P.O. MIGUEL OCASIO
(03747), LT. MIRAGLIA, P.O. JAY RIVERA, P.O.
NICK MILENTIJEVIC, P.O. JOHN DOE & JANE DOE
1 'through' 15 inclusive, the names of the last defendants
being fictitious, the true names of the defendants being
unknown to the plaintiff,

Defendants.
-----X

**STIPULATION AND ORDER OF
SETTLEMENT AND DISCONTINUANCE**
★ JUN 16 2006 ★
BROOKLYN OFFICE

05 CV 5418 (NG) (CLP)

WHEREAS, plaintiff Renell Minor and plaintiff Gay Garland commenced this action by filing complaints on or about November 17, 2005 and an amended complaint on or about March 21, 2006, alleging that defendants violated their federal and state civil rights; and

WHEREAS, on March 8, 2006, the Court ordered that the cases bearing document numbers 05 CV 5418 (NG) (CLP) and 05 CV 5419 (SLT) (JMA) be consolidated under docket number 05 CV 5418 (NG) (CLP); and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiffs have authorized counsel to settle this matter as against defendants on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph “2” below.

2. Defendant City of New York hereby agrees to pay plaintiff Renell Minor, and plaintiff Gay Garland, the total sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. The settlement monies shall be allocated as follows: Renell Minor, THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500); Gay Garland, THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500). In consideration for the payment of this sum, plaintiffs agree to dismissal of all the claims against the City of New York, the New York City Police Department, Police Officer Miguel Ocasio, Police Officer Jay Rivera, Police Officer Nick Milentijevic, Lieutenant Miraglia, the individuals identified in the caption of the complaint as “P.O. JOHN DOE & JANE DOE 1 ‘through’ 15,” and any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants’ attorney all documents necessary to effect this settlement, including, without limitation, releases based on the terms of paragraph “2” above and an Affidavit of No Liens on behalf of Renell Minor and an Affidavit Concerning Liens on behalf of Gay Garland.


4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiffs’ rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

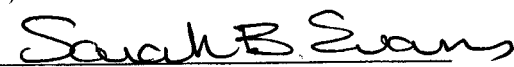
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
_____, 2006

Patrick O'keke, Esq.
Attorney for Plaintiffs
255 Livingston Street, 4th Floor
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By: 
Patrick O'keke, Esq. (PO-2861)

MICHAEL A. CARDOZO
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York
Attorney for Defendants
100 Church Street, Room 3-200
New York, New York 10007
(212) 788-1041

By: 
Sarah B. Evans (SE 5971)
Assistant Corporation Counsel

SO ORDERED:

U.S. _____
/s/
6-14-06



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

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June 7, 2006

RECEIVED
In Chambers of
U.S.D.J. Gershon

JUN 08 2006

VIA HAND DELIVERY AND ECF

Honorable Nina Gershon
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Renell Minor and Gay Garland v. The City of New York, et al.,
05 CV 5418 (NG) (CLP)¹

Your Honor:

Enclosed please find a STIPULATION AND ORDER OF SETTLEMENT AND
DISCONTINUANCE, which has been executed by the parties in the above-referenced matter.
We respectfully request that Your Honor endorse the enclosed STIPULATION.

Respectfully submitted,

Sarah B. Evans (SE 5971)
Assistant Corporation Counsel
Special Federal Litigation Division

Enc.

¹ Defendants note that by Order dated March 8, 2006, this case was consolidated with the case entitled Gay Garland v. City of New York, et al., bearing docket number 05 CV 5419.

cc: Patrick O'keke, Esq. (By ECF)
Attorney for Plaintiffs
255 Livingston Street, 4th Floor
Brooklyn, New York 11217